



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/165101

PRELIMINARY RECITALS

Pursuant to a petition filed April 03, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Winnebago County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on April 28, 2015, at Oshkosh, Wisconsin.

The issue for determination is whether the agency correctly reduced petitioner's FS effective April 1, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Jeanie Ortiz, ESS

Winnebago County Department of Human Services
220 Washington Ave.
PO Box 2187
Oshkosh, WI 54903-2187

ADMINISTRATIVE LAW JUDGE:

Kelly Cochran
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Winnebago County.
2. Petitioner's 4-person household underwent an FS review in March 2015 and the agency budgeted the countable household income. On April 2, 2015 the agency issued a notice of decision stating

that effective April 1, 2015 her FS would decrease to \$61. This was due to the household's gross monthly income that increased.

3. On or about April 27, 2015 the agency discovered a budgeting error in petitioner's unearned income. The agency redetermined petitioner's FS effective April 1, 2015 with the corrected information (gross monthly income = \$2567.53) and determined that petitioner was eligible for \$137 in FS, which petitioner received for April.

DISCUSSION

In determining the amount of FS to be issued each month, the county must budget all income of the FS household, including all earned and unearned income. 7 C.F.R. § 273.9(b). From the gross household income, the following permissible deductions as discussed in the *FoodShare Handbook*, §4.6.1 are allowed: a standard deduction, an earned income deduction, a medical expenses deduction, a child support payment deduction, a dependent care expense deduction, and a shelter expense deduction. Some FS groups are not allowed a deduction for some expenses and some expenses are not always deducted in full. The *FS Handbook* can be viewed online at <http://www.emhandbooks.wisconsin.gov/fsh/fsh.htm>.

The agency presented the budget to show how it ultimately calculated her household's income. See Exhibit 2. The agency also showed the information documenting the income. See Exhibits 3-6. The petitioner agreed that the county agency's calculations for the household income were correct and I can find no errors. She alleged that she did not receive child support all the time, but there was no evidence to show that the agency incorrectly calculated what she did receive. She was reminded to report to the agency any changes in the child support or income so that her FS could be redetermined. This may mean a monthly (or even more frequently, if that is the case) report to the agency if the changes occur frequently.

There being no issue or errors raised with the decrease, I must conclude that the agency correctly reduced her FS.

CONCLUSIONS OF LAW

The agency correctly reduced petitioner's FS to \$137 effective April 1, 2015.

THEREFORE, it is

ORDERED

The petition for review herein is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 20th day of May, 2015

\sKelly Cochrane
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on May 20, 2015.

Winnebago County Department of Human Services
Division of Health Care Access and Accountability